

Gulfstream Legal Group, LLC

Record Retrieval Division

1300 Texas St.

Houston, TX 77002

Ph: 713-237-4700 // Fax: 888-559-7431

TO THE CUSTODIAN OF RECORDS FOR:

United States Environmental Protection Agency

1201 Elm Street, Suite 500

Dallas, TX 75270

ATTN: Office of Regional Counsel

PLEASE PROVIDE TRUE AND CORRECT COPIES OF THE RECORDS SPECIFIED IN THE ATTACHED SUBPOENA. *ALSO, THE DOCUMENTS PRODUCED IN ACCORDANCE WITH THIS REQUEST SHOULD INCLUDE ALL ON-SITE, ARCHIVED AND DIGITALLY STORED RECORDS.*

IF POSSIBLE, PLEASE PROVIDE THE REQUESTED RECORDS IN ELECTRONIC FORMAT (ON CD OR DVD).

We have been authorized by D. Christene Wood, counsel for Defendant, to obtain these records, which are to be used in litigation. Your cooperation in complying with this request is greatly appreciated. *Please follow these instructions when completing this request:*

- 1) **Please call for approval of any fee prior to processing/copying the requested records and include an invoice with the records. *Payment cannot be guaranteed for invoices that are sent after the records have been shipped.***
- 2) **Please complete and sign the deposition upon written questions and have this form notarized.**
- 3) **Each deposition question must be answered in the form of a statement for purposes of admissibility in court. *PLEASE NOTE: Usage of the abbreviation "N/A" is not acceptable; however, answers such as "yes," "no," and "no records" are permitted. Also, please do not use "white-out" when completing the deposition questions.* If revisions are necessary, please contact us and we will forward a blank deposition to you immediately.**
- 4) **Please include the original signed and notarized legal documents with the records. *The court requires original signatures on these forms; therefore, please do not fax the completed forms to us.* Please mail the records and deposition questions to the attention of "RECORDS DIVISION" at the address listed above.**

This request is time-sensitive, and your prompt attention is appreciated. If you have any questions, please call me at your earliest convenience at (713) 237-4700.

Sincerely,

Nichole Royston

Gulfstream Legal Group -- Record Retrieval Division

Order No. 10929.007

No. 313,559-B

AMERICAN ROCKWOOL MANUFACTURING LLC	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	BELL COUNTY, TEXAS
	§	
MARKEL AMERICAN INSURANCE COMPANY	§	
AND INSURICA TX INSURANCE SERVICES, INC.	§	146th JUDICIAL DISTRICT

**NOTICE OF INTENTION
TO TAKE DEPOSITION BY WRITTEN QUESTIONS**

To Plaintiff by and through their attorney of record: **John L. Hubble**
To other party/parties by and through their attorney of record: **Michael J. Watson**

You will please take notice that twenty (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the Custodian of Records for:

(PLEASE REFER TO THE ENTITIES REFERENCED ON THE ATTACHED EXHIBIT "1" LOCATION LIST)

before a Notary Public for **Gulfstream Legal Group, LLC**
 1300 Texas St.
 Houston, TX 77002
 Ph: 713-237-4700 // Fax: 888-559-7431

or its designated agent, which deposition with attached questions may be used in evidence upon the trial of the above-styled and numbered cause pending in the above-named court. Notice is further given that request is hereby made as authorized under Rule 200, Texas Rules of Civil Procedure, to the officer taking this deposition to issue a subpoena duces tecum and cause it to be served on the witness to produce any and all records as described on the attached questions and/or Exhibit(s) and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, and to turn all such records over to the officer authorized to take this deposition so that photographic reproductions of the same may be made and attached to said deposition.

Ms. D. Christene Wood
State Bar No. 24042188
Sheehy, Ware & Pappas, P.C.
909 Fannin Street, Suite 2500
Houston, TX 77010
Ph: 713-951-1000 // Fax: 713-951-1199
Attorney for Defendant,
Markel American Insurance Company

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all Counsel of Record by hand-delivery, facsimile, and/or certified mail (return receipt requested) on this day.

Dated: 4/24/2020


by 

EXHIBIT "1" (LOCATION LIST)

CAMS eSPARC

1110 NASA Parkway, Suite 212, Houston, TX 77058

Montrose Air Quality Services, LLC

314 Deerwood Glen Drive, Deer Park, TX 77536

J.T. Thorpe & Son, Inc.

by and through its registered agent for service, Corporation Service Co. d/b/a CSC-Lawyers
211 East 7th St., Suite 620, Austin, TX 78701

TopBuild Corp.

by and through its registered agent for service, C.T. Corporation System
1200 South Pine Island Road, Plantation, FL 33324

Texas Commission on Environmental Quality

P.O. Box 13087, MC 163, Austin, TX 78711-3087

United States Environmental Protection Agency

1201 Elm Street, Suite 500, Dallas, TX 75270

Texas Commission on Environmental Quality

6801 Sanger Avenue, Suite 2500, Waco, TX 76710

National Appraisal Partners, LLP

3203 Edloe Street, Houston, TX 77027

DEPOSITION SUBPOENA TO TESTIFY OR PRODUCE DOCUMENTS OR THINGS

THE STATE OF TEXAS

To any Sheriff or Constable of the State of Texas or other person authorized to serve subpoenas under Rule 176 of the Texas Rules of Civil Procedure - GREETINGS -

You are hereby commanded to subpoena and summon the Custodian of Records for:

**United States Environmental Protection Agency
1201 Elm Street, Suite 500, Dallas, TX 75270**

to be and appear before a Notary Public of my designation for: **Gulfstream Legal Group, LLC, 1300 Texas St., Houston, TX 77002**

or its designated agent on or before 20 days after service of this subpoena at the office of the custodian, and there under oath to make answers of certain written questions to be propounded to the witness and to bring and produce for inspection and photocopying

ANY AND ALL RECORDS (WHETHER TYPED, HANDWRITTEN OR COMPUTER-GENERATED) AS SPECIFIED IN EXHIBIT "A" (DOCUMENTS TO BE PRODUCED)

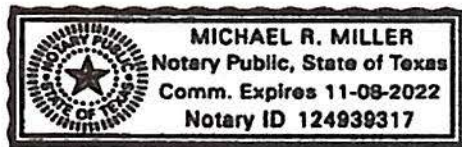
and any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, at any and all times whatsoever, then and there to give evidence at the instance of the Defendant, Markel American Insurance Company, represented by D. Christene Wood, Attorney of Record, in that certain Cause No. 313,559-B pending on the docket of the District Court of the 146th Judicial District of Bell County, Texas.

This Subpoena is issued under and by virtue of Rule 200 and Notice of Deposition Upon Written Questions on file with the above-named court, styled

AMERICAN ROCKWOOL MANUFACTURING LLC vs. MARKEL AMERICAN INSURANCE COMPANY AND INSURICA TX INSURANCE SERVICES, INC.

and there remain from day to day and time to time until discharged according to law.

WITNESS MY HAND, this 24th day of April, 2020.





NOTARY PUBLIC

176.8 Enforcement of Subpoena. (a) *Contempt.* Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

OFFICER'S RETURN

Came to hand this _____ day of _____, 20____, and executed this the _____ day of _____, 20____, in the following manner: By delivering to the witness _____, a true copy hereof.

Returned this _____ day of _____, 20____.

Order No. 10929.007

PROCESS SERVER

AMERICAN ROCKWOOL MANUFACTURING LLC	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	BELL COUNTY, TEXAS
	§	
MARKEL AMERICAN INSURANCE COMPANY	§	
AND INSURICA TX INSURANCE SERVICES, INC.	§	146th JUDICIAL DISTRICT

EXHIBIT "A"

DOCUMENTS TO BE PRODUCED

To the Custodian of Records for:
United States Environmental Protection Agency

Please provide the specified records pertaining to the property located at 440 Jackrabbit Flat Road, Nolanville, Texas 76559 and/or 1 Jackrabbit Road, Nolanville, TX 76559, for the period of January 1, 2016 through the present:

1. Color copies of any and all photographs of the property;
 2. Inspection reports;
 3. ANY AND ALL DOCUMENTS OR CORRESPONDENCE REFERENCING OR REFERRING TO THE CONDITION, REPAIR, MAINTENANCE, VALUE AND/OR OPERATION OF EQUIPMENT AT THE PROPERTY, including but not limited to records regarding equipment breakdown, equipment purchases, serviceability of equipment, age and function of equipment, inspections of equipment, service agreements for equipment or personal property, age of equipment or personal property, and/or use of equipment or personal property;
 4. Permits or permit applications; and
 5. All documents and correspondence regarding or referencing the vent stack located at the property.
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AMERICAN ROCKWOOL MANUFACTURING LLC	§	IN THE DISTRICT COURT OF
	§	
	§	
vs.	§	BELL COUNTY, TEXAS
	§	
MARKEL AMERICAN INSURANCE COMPANY	§	
AND INSURICA TX INSURANCE SERVICES, INC.	§	146th JUDICIAL DISTRICT

DIRECT QUESTIONS TO BE PROPOUNDED TO THE WITNESS

Custodian of Records for: **United States Environmental Protection Agency**

Type of Records:

ANY AND ALL RECORDS (WHETHER TYPED, HANDWRITTEN OR COMPUTER-GENERATED) AS SPECIFIED IN EXHIBIT "A" (DOCUMENTS TO BE PRODUCED)

1. Please state your full name.

Answer: _____

2. Please state by whom you are employed and the business address.

Answer: _____

3. What is the title of your position or job?

Answer: _____

4. Have you accepted the subpoena duces tecum accompanying these direct questions?

Answer: _____

5. Are these memoranda, reports, records, or data compilations outlined in the subpoena duces tecum in your custody or subject to your control, supervision or direction?

Answer: _____

6. Are you able to identify these aforementioned records as the originals or true and correct copies of the originals?

Answer: _____

7. Please hand to the Officer taking this deposition copies of the memoranda, reports, records, or data compilations mentioned in Question No. 5. Have you complied? If not, why?

Answer: _____

8. Are the copies which you are producing true and correct copies of such memoranda, reports, records or data compilations?

Answer: _____

9. Were such memoranda, reports, records, or data compilations kept in the regular course of business of this facility?

Answer: _____

10. Was it in the regular course of business of this facility for a person with knowledge of the acts, events, conditions, opinions or diagnoses recorded to make the record or to transmit information thereof to be included in such record?

Answer: _____

11. Were the entries on these records made at or shortly after the time of the transaction recorded?

Answer: _____

12. Was the method of preparation of these records trustworthy?

Answer: _____

WITNESS (Custodian of Records)

Before me, the undersigned authority, on this day personally appeared the witness, known to me to be the person whose name is subscribed to the foregoing instrument in the capacity therein stated, who being first duly sworn, stated upon his/her oath that the answers to the foregoing questions are true and correct. I further certify that the records attached hereto are exact duplicates of the original records.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____